

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

DOUGLAS NOLAN LANE,

Appellant,

v.

MUNICIPALITY OF ANCHORAGE,

Appellee.

Court of Appeals No. A-12447
Trial Court No. 3AN-15-5957 CR

MEMORANDUM OPINION

No. 6413 — December 21, 2016

Appeal from the District Court, Third Judicial District,
Anchorage, Leslie Dickson, Judge.

Appearances: Justin A. Tapp, Denali Law Group, Anchorage,
for the Appellant. Sarah E. Stanley, Assistant Municipal
Prosecutor, and William D. Falsey, Municipal Attorney,
Anchorage, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Suddock,
Superior Court Judge.*

PER CURIAM.

Douglas Nolan Lane was convicted under the Anchorage Municipal Code
of assaulting his wife — recklessly placing her in fear of imminent physical injury.¹

* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska
Constitution and Administrative Rule 24(d).

¹ Anchorage Municipal Code § 08.10.010.B.3.

According to the government’s evidence, Lane threw his wife to the bedroom floor and then, when she got outside and tried to leave, he threw a large rock at the windshield of the vehicle she was driving.

In this appeal, Lane argues that the evidence presented at his trial was legally insufficient to support his conviction.

We acknowledge that the evidence presented at Lane’s trial was conflicting. In particular, Lane testified that his wife had *not* been in the vehicle when Lane threw the rock at the windshield — rather, that she had been standing next to Lane, several feet away from the vehicle. Lane’s wife recanted her earlier accusations and supported her husband’s version of events — asserting that she was not imperiled by the rock, and that she was not afraid of being injured.

But the jurors heard an audio recording of the accusatory statements that Lane’s wife made to the 911 operator. The jurors also heard Lane’s wife admit (on the stand) that, when the police arrived in response to her 911 call, she told one of the officers that Lane had thrown the rock while she was in the vehicle.

When a defendant claims that the evidence was insufficient to support a criminal conviction, the question an appellate court must resolve is whether, viewing all of the evidence (and the reasonable inferences to be drawn from it) in the light most favorable to the jury’s verdict, reasonable jurors could conclude that the government had proved its case beyond a reasonable doubt.² We have reviewed the evidence in Lane’s case, and we conclude that fair-minded jurors could have found Lane guilty beyond a reasonable doubt. The evidence was therefore legally sufficient to support Lane’s assault conviction.

The judgment of the district court is AFFIRMED.

² *Gibson v. State*, 346 P.3d 977, 979 (Alaska App. 2015).